

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY  
TRANSPORTATION LICENSING COMMISSION**

**Minutes of**

**February 27, 2007**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Courthouse. The Commissioners present were Acting Chair Holly Sharp and Commissioners Ray Dayal, Gladys Lozada, Kim Thompson, Tom Turner, and James Utley (6). Also attending were Metro Legal attorney Ted Morrissey, Commission staff members Milton Bowling, Walter Lawhorn and Lisa Steelman, and Brian McQuiston, Director-Executive Secretary to the Commission.

**Acting Chair Holly Sharp** called the meeting to order, and read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission.

The minutes of the November 28, 2006 meeting were unanimously approved.

**ELECTION OF OFFICERS:**

**Acting Chair Holly Sharp** reminded Commissioners of the requirement under Commission Rules to elect new officers, and asked for nominations. **Commissioner Ray Dayal** nominated Commissioner Holly Sharp for Chair and Commissioner Helen Rogers for Vice-Chair. **Commissioner Tom Turner** seconded. There were no other nominations. The Commission voted (5-0) to elect Commissioners Sharp and Rogers to serve as Chair and Vice-Chair, respectively, until October 2008.

**TAXICAB DRIVER DISCIPLINARY HEARING – IBRAHIM S. AHMED:**

Director McQuiston informed Commissioners that Ibrahim Sheikh Ahmed had been arrested while driving a Yellow Cab taxi on November 1, 2006, after leading Police on a high-speed chase through downtown Nashville. Director McQuiston stated that Mr. Ahmed had been charged with felony evading arrest and felony reckless endangerment, and staff had suspended his permit on November 2. He added that Mr. Ahmed was found guilty of the felony evading arrest charge on January 3, 2007.

Mr. Ahmed failed to appear. **Commissioner Ray Dayal** moved to revoke Mr. Ahmed's taxicab driver permit. **Commissioner Gladys Lozada** seconded, and the motion passed unanimously (5-0).

### **WRECKER COMPANY DISCIPLINARY HEARING – CITY TOWING:**

Tom Negri, managing director of Loews Vanderbilt Hotel, appeared before the Commission, with hotel security director Lisa Hunt and counsel Rob Lee, to present a complaint against City Towing and Transport, Inc. (hereafter “City Towing”) for towing without authorization. Ms. Hunt stated that three employees of the hotel had reported to hotel security on November 15, 2006 that their vehicles had been stolen from a parking lot leased by the hotel. She stated that, after reviewing security videotapes and making several telephone calls, it was determined that the vehicles had been towed by City Towing. She stated that she was concerned, because the vehicles had been towed without any authorization from the hotel. She stated that it was later learned that a hotel employee whose car was being blocked had called City Towing. She explained that City Towing should not have towed the vehicles, because City Towing had held a contract to tow for the hotel for some time; and the procedure for obtaining authorization from hotel security only had been a longstanding requirement, well known by City Towing.

Michael Myers, President of City Towing, appeared before the Commission with counsel William Porter. Mr. Porter asked Mr. Myers if City Towing had towed for Loews Vanderbilt Hotel in the past. Mr. Myers responded that they had. He refuted Ms. Hunt’s statement, stating that a number of other hotel employees, such as valets, had authorized past tows.

Mr. Negri expressed disbelief that City towing had reason to believe the hotel had authorized the tows on November 15. He stated that the employee who had called City Towing had not been uniformed, and that the vehicles had been towed from a leased lot, not from hotel property.

**Commissioner Ray Dayal** asked Mr. Myers why he had placed his contract with the hotel in jeopardy when it was brought to his attention that the vehicles had been towed by mistake or without hotel authorization. Mr. Myers answered that he had not been made aware of the problem for some time. He stated that City Towing employees had known that the leased lot was operated by the hotel, because it had signs posted on the lot.

**Commissioner Ray Dayal** moved to find City Towing in violation of T.C.A. 55-16-112, in that the company had not obtained proper authorization before towing. **Commissioner Tom Turner** seconded, and the motion was approved unanimously (5-0). **Commissioner Dayal** moved to place City Towing on probation for six months, effective February 27, 2007. **Commissioner Gladys Lozada** seconded, and the motion was approved unanimously (5-0).

### **OTHER BUSINESS**

**Five Star Taxi:** Representatives of Five Star Taxi appeared before the Commission. Ms. Kathy Baker stated that the Commission had disapproved the company’s application for a taxicab Certificate of Public Convenience and Necessity at the November 28 public hearing, primarily based on census data that suggested that the Metropolitan population was growing at less than one percent per year. She noted that the census bureau had since revised that estimate sharply upward, and requested that the Commission allow a new application to be heard at the March 27, 2007 Commission meeting.

**Commissioner Ray Dayal** stated that he did not believe there was a need for more permits at the present time, and that it would not be appropriate to hear applications until the next annual public hearing.

**Commissioner James Utley** stated that he had dissented in the November vote to deny new certificates and permits, because he believed it had not been clear that some requests had been for new companies and others had been for additional permits in existing companies.

**Commissioner Utley** moved to allow a hearing on Five Star Taxi's application at the March 27 meeting. There was no second, and the motion failed.

**Commissioner Ray Dayal** moved to disapprove the Five Star Taxi request for an early hearing, and to defer new applications for certificates or permits until the scheduled November 2007 public hearing. **Commissioner Gladys Lozada** seconded, and the motion was approved (4-1).

**2007 Meeting Schedule: Chair Holly Sharp** called attention to the schedule for Commission meetings in 2007. Director McQuiston stated that all meetings were scheduled for the fourth Tuesday of the month, with the exception of the December meeting, which would be held one week early.

**Departure of Legal Advisor:** Director McQuiston informed the Commission that Jason Bergeron, Metro Legal advisor to the Commission for over two years, was leaving Metro Government to go into private practice. Commissioners thanked Mr. Bergeron for his service.

There was no further business, and the meeting was adjourned.

ATTEST:

APPROVED:

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Brian E. McQuiston  
Director-Executive Secretary

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Holland Conner Sharp  
Chair